

**AIM Tier 3 Example D:****Four Consecutive Samples Each Over Benchmark Threshold with Average More than 2 Times the Benchmark**

Below are example benchmark monitoring results that would trigger AIM Tier 3. In these results, AIM Tier 3 is triggered **because four consecutive samples for a parameter each exceed the benchmark and their average is more than 2 times the benchmark.**

Parameter	Benchmark	AIM Tier 3 trigger:
Total Suspended Solids (TSS) (mg/L)	100 mg/L	Four consecutive samples all greater than 100 mg/L AND annual average greater than 200 mg/L

Anytime during Quarterly Monitoring					
Samples	1 <sup>st</sup> Qtr.	2 <sup>nd</sup> Qtr.	3 <sup>rd</sup> Qtr.	4 <sup>th</sup> Qtr.	4-Sample Average
Ex. 1	120	120	155	410	201

In Example 1, Tier 3 is triggered in the 4<sup>th</sup> quarter because each of the 4 samples exceeds the benchmark (100 mg/L) and the average is more than 2 times the benchmark threshold. Quarterly benchmark monitoring would continue into the next year.

**5.2.4 AIM Exceptions.** At any point or tier level of AIM, the below exceptions from AIM requirements and additional benchmark monitoring below may apply. You must still review your stormwater control measures, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate.

**5.2.4.1 Natural Background Pollutant Levels:** You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Regional Office:

- a. The four-quarter average concentration of your benchmark monitoring results minus the concentration of that pollutant in the natural background is less than or equal to the benchmark threshold; and
- b. You document and maintain with your SWPPP, as required in Part 6.5, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge. Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

**Request for Comment 24:** EPA requests comment on changing the threshold for the natural background exception throughout the permit from the 2015 MSGP, which required no net facility contributions, to the proposed 2020 MSGP method of subtracting natural background concentrations from the total benchmark exceedance to determine if natural background levels are solely responsible for the exceedance. EPA requests comment on implications of this change and other factors the Agency should consider in proposing this change to the exception.

**Request for Comment 25:** EPA requests comment on other appropriate methods to characterize natural background pollutant concentrations. EPA is aware that the National Stormwater Quality Database (NSQD) is a collection of urban stormwater runoff data from municipal separate storm sewer systems (MS4s) and contains concentration data from urban open spaces, among other land use categories. EPA is concerned this dataset does not accurately represent pollutant concentrations that are attributable only to natural background sources and whether utilizing NSQD data to calculate an exception for industrial stormwater dischargers would be appropriate. EPA requests comment on the advantages and limitations of the NSQD dataset, whether it can be adjusted for use in the MSGP for calculating natural background concentrations, and how that could be accomplished.

**5.2.4.2 Run-On:** You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate and obtain EPA agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Regional Office for concurrence:

- a. After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.
- b. If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact your EPA Regional Office.

### **5.3 Corrective Action and AIM Documentation**

**5.3.1** Documentation within 24 Hours. You must document the existence of any of the conditions listed in Parts 5.1.1, 5.2.1.1, 5.2.2.1, and/or 5.2.3.1 within 24 hours of becoming aware of such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Include the following information in your documentation:

**5.3.2** Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of U.S., through stormwater or otherwise;

**5.3.2.1** Date the condition/triggering event was identified;

**5.3.2.2** Description of immediate actions taken pursuant to Part 5.1.2.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and

**5.3.2.3** A statement, signed and certified in accordance with Appendix B, Subsection 11.

**5.3.3 Documentation within 14 Days.** You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Part 5.1.1, 5.2.1.1, 5.2.2.1, and/or 5.2.3.1 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified

timeframe, per Parts 5.1.2, 5.2.1.3, 5.2.2.3, 5.2.3.3, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified EPA regarding an allowed extension of the specified timeframe, you must document your rationale for an extension. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part 5. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your corrective actions and/or AIM responses in the annual report per Part 7.5.

**Request for Comment 26:** EPA requests comment on methods for tracking AIM Tiers that may have been triggered by an operator. One approach could be to require the operator to self-select any AIM Tiers that have been triggered in the past quarter when submitting quarterly monitoring results per proposed Part 7.4.

## **6 Stormwater Pollution Prevention Plan (SWPPP)**

You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2, 8, and 9 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with wet weather events, including major storm events and extreme flooding conditions. As distinct from the SWPPP, the additional documentation requirements (see Part 6.5) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

*Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, during an inspection, etc.*

### **6.1 Person(s) Responsible for Preparing the SWPPP**

You shall prepare the SWPPP in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a "qualified person" and must be certified per the signature requirements in Part 6.2.7. If EPA concludes that the SWPPP is not in compliance with Part 6.2 of this permit, EPA may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer, or for Sector G, H or J, by a Professional Geologist, with the education and experience necessary to prepare an adequate SWPPP.

*Note: A "qualified person" is a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.*

## 6.2 **Required Contents of Your SWPPP**

To be covered under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (Part 6.2.1);
- Site description (Part 6.2.2);
- Summary of potential pollutant sources (Part 6.2.3);
- Description of control measures (Part 6.2.4);
- Schedules and procedures (Part 6.2.5);
- Documentation to support eligibility pertaining to other federal laws (Part 6.2.6); and
- Signature requirements (Part 6.2.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept with your SWPPP.

**6.2.1 Stormwater Pollution Prevention Team.** You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

**6.2.2 Site Description.** Your SWPPP must include the following:

- a. **Activities at the facility.** Provide a description of the nature of the industrial activities at your facility.
- b. **General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- c. **Site map.** Provide a map showing:
  - i. Boundaries of the property and the size of the property in acres;
  - ii. Location and extent of significant structures and impervious surfaces;
  - iii. Directions of stormwater flow (use arrows);
  - iv. Locations of all stormwater control measures;
  - v. Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;
  - vi. Locations of all stormwater conveyances including ditches, pipes, and swales;
  - vii. Locations of potential pollutant sources identified under Part 6.2.3.2;

- viii. Locations where significant spills or leaks identified under Part 6.2.3.3 have occurred;
- ix. Locations of all stormwater monitoring points;
- x. Locations of stormwater inlets and discharge points, with a unique identification code for each discharge point (e.g., 001, 002), indicating if you are treating one or more discharge points as “substantially identical” under Parts 3.2.3, 5.2.5.3, and 6.1.1, and an approximate outline of the areas draining to each discharge point;
- xi. If applicable, MS4s and where your stormwater discharges to them;
- xii. Areas of designated critical habitat for endangered or threatened species, if applicable.
- xiii. Locations of the following activities where such activities are exposed to precipitation:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - transfer areas for substances in bulk;
  - machinery;
  - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

**6.2.3 Summary of Potential Pollutant Sources.** You must describe areas at your facility where industrial materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate. Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

**For each area identified, the description must include:**

- 6.2.3.1 Activities in the Area.** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- 6.2.3.2 Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from your facility. The

pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

- 6.2.3.3 Spills and Leaks.** You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding discharge point(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

*Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.*

- 6.2.3.4 Unauthorized Non-Stormwater Discharges Evaluation.** By the end of the first year of your permit coverage under this permit, you must inspect and document all discharge points. Documentation of your evaluation must include:

- a. The date of the evaluation;
- b. A description of the evaluation criteria used;
- c. A list of the discharge points or onsite drainage points that were directly observed during the evaluation; and
- d. If there are any unauthorized non-stormwater discharges (See Part 1.2.2 for the exclusive list of authorized non-stormwater discharges under this permit) you must immediately take action(s), such as implementing control measures, to eliminate those discharges or seek an individual NPDES wastewater permit, and document that you obtained the permit (For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge).
- e. An explanation of everything you did to immediately eliminate the discharge per Part 5 Corrective Actions.

- 6.2.3.5 Salt Storage.** You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

- 6.2.3.6 Sampling Data.** Existing permitted facilities must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New dischargers and new sources must provide a summary of any available stormwater runoff data they may have.

- 6.2.4** Description of Control Measures to Meet Technology-Based and Water Quality- Based Effluent Limits. You must document the location and type of control measures you have specifically chosen and/or designed to comply with:

- Part 2.1.2: Non-numeric technology-based effluent limits;

- Parts 2.1.3 and 8: Applicable numeric effluent limitations guidelines-based limits;
- Part 2.2: Water quality-based effluent limits;
- Part 2.3: Any additional measures that formed the basis of eligibility regarding threatened and endangered species, historic properties, and/or federal CERCLA Site requirements;
- Parts 8 and 9: Applicable effluent limits;
- Regarding your control measures, you must also document, as appropriate:
  - How you addressed the selection and design considerations in Part 2.1.1;
  - How they address the pollutant sources identified in Part 6.2.3.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (\*). For the requirements marked with an asterisk, you may include extra information, or you may just "cut and-paste" these effluent limits verbatim into your SWPPP without providing additional documentation.

#### 6.2.5 Schedules and Procedures

##### 6.2.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2. You must document the following in your SWPPP:

- a. **Good Housekeeping (See Part 2.1.2.2)** – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- b. **Maintenance (See Part 2.1.2.3)** – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;
- c. **Spill Prevention and Response Procedures (See Part 2.1.2.4)** – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.4;
- d. **Erosion and Sediment Controls (See Part 2.1.2.5)** – If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose;
- e. **Employee Training (See Part 2.1.2.8)** – The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part

2.1.2.8, and also the following:

- i. The content of the training;
- ii. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;
- iii. A log of the dates on which specific employees received training.

**6.2.5.2 Pertaining to Inspections and Assessments.** You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- a. Routine facility inspections (see Part 3.1) and;
- b. Quarterly visual assessment of stormwater discharges (see Part 3.2).

**For each type of inspection performed, your SWPPP must identify:**

- a. Person(s) or positions of person(s) responsible for the inspection;
- b. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater discharges (see Part 3.2.4);
- c. Specific items to be covered by the inspection, including schedules for specific discharge points.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 3.1.5 and 3.2.4.

**6.2.5.3 Pertaining to Monitoring**

- a. **Procedures for Each Type of Monitoring.** You must document in your SWPPP procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:
  - i. Benchmark monitoring (Part 4.2.1);
  - ii. Effluent limitations guidelines monitoring (Part 4.2.2);
  - iii. State- or tribal-specific monitoring (Part 4.2.3);
  - iv. Impaired waters monitoring (Part 4.2.4);
  - v. Other monitoring as required by EPA (Part 4.2.5).
- b. **Documentation for Each Type of Monitoring.** For each type of monitoring, you must document in your SWPPP:
  - i. Locations where samples are collected, including any determination that two or more discharge points are substantially identical;
  - ii. Parameters for sampling and the frequency of sampling for each parameter;
  - iii. Schedules for monitoring at your facility, including schedule for alternate



monitoring periods for climates with irregular stormwater discharges (see Part 4.1.6);

- iv. Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each discharge point;
  - v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 4.1.
- c. **Exception for Inactive and Unstaffed Sites.** If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring or impaired waters monitoring, you must include in your SWPPP the information to support this claim as required by Part 4.2.1.3 and 4.2.4.2.
- d. **Exception for Substantially Identical Discharge Points.** You must document the following in your SWPPP if you plan to use the substantially identical discharge point exception for your quarterly visual assessment requirements in Part 3.2.4 or your benchmark or impaired waters monitoring requirements in Parts 4.2.1 and 4.2.4.1 (see also Part 4.1.1):
- i. Location of each substantially identical discharge point;
  - ii. Description of the general industrial activities conducted in the drainage area of each discharge point;
  - iii. Description of the control measures implemented in the drainage area of each discharge point;
  - iv. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges;
  - v. An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
  - vi. Why the discharge points are expected to discharge substantially identical effluents.

#### 6.2.6 Documentation to Support Eligibility Pertaining to Other Federal Laws

6.2.6.1 **Documentation Regarding Endangered and Threatened Species and Critical Habitat Protection.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4 (Endangered and Threatened Species and Critical Habitat Protection).

6.2.6.2 **Documentation Regarding Historic Properties.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.5 (Historic Properties Preservation).

6.2.7 **Signature Requirements.** You must sign and date your SWPPP in accordance with Appendix B, Subsection 11.

#### 6.3 **Required SWPPP Modifications**

You must modify your SWPPP based on the corrective actions and deadlines required under Part 6. You must sign and date any SWPPP modifications in accordance with Appendix B, Subsection 11.

#### **6.4 SWPPP Availability**

You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting your permit eligibility pursuant to Part 1.1 of this permit, as well as your signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to facility employees, EPA, a state or tribe, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection.

Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or restricted information [as defined in Appendix A]), but you must clearly identify those portions of the SWPPP that are being withheld from public access; to do so, you must comply with one of the following two options:

**6.4.1 Posting Your SWPPP on the Internet.** If you provide a URL in your NOI where your SWPPP can be found, and maintain your current SWPPP at this URL, you will have complied with the public availability requirements for the SWPPP. To remain current, you must post any SWPPP modifications, records, and other reporting elements required for the previous year at the same URL as the main body of the SWPPP. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. If you did not provide a SWPPP URL in your NOI, you may reopen your NOI at any time subsequent to your original NOI submittal to add a URL where your current SWPPP can be found. You are not required to post any CBI or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be withheld from those staff cleared for CBI review within EPA, USFWS or NMFS.

**6.4.2 SWPPP Information Provided on NOI Form.** If you did not provide a SWPPP URL in your NOI, your NOI must include the information required by Part 7.3. Irrespective of this requirement, EPA may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined in Appendix A)). To remain current, you must report any modifications to the SWPPP information required by Part 7.3 through submittal of an "Change NOI" form. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1.

#### **6.5 Additional Documentation Requirements**

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

**6.5.1** A copy of the NOI submitted to EPA along with any correspondence exchanged between you and EPA specific to coverage under this permit;

**6.5.2** A copy of the acknowledgment you receive from the EPA assigning your NPDES ID;

- 6.5.3** A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- 6.5.4** Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- 6.5.5** All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.6) and Quarterly Visual Assessment Reports (see Part 3.2.3);
- 6.5.6** Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 3.2.4 and 4.1.5);
- 6.5.7** Corrective action documentation required per Part 5.1;
- 6.5.8** Documentation of any benchmark exceedances, which AIM Tier triggering event the exceedance caused, and AIM response you employed per Part 5.2, including:
  - 6.5.8.1** The AIM triggering event;
  - 6.5.8.2** The AIM response taken;
  - 6.5.8.3** Any rationale that SWPPP/SCM changes were unnecessary;
  - 6.5.8.4** A demonstration that the exceedance was due to natural background pollutant levels per Part 5.2.5.2, if applicable;
  - 6.5.8.5** A determination from EPA that benchmark monitoring can be discontinued because the exceedance was due solely to run-on, per Part 5.2.4.3.
- 6.5.9** Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge after three years or were solely attributable to natural background sources (see Part 4.2.4.1); and
- 6.5.10** Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 3.1.5), quarterly visual assessments (see Part 3.2.4), benchmark monitoring (see Part 4.2.1.3), and/or impaired waters monitoring (see Part 4.2.4.2).

## **7 Reporting and Recordkeeping**

### **7.1 Electronic Reporting Requirement**

You must submit all NOIs, NOTs, NOEs, Annual Reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically, unless the EPA Regional Office grants you a waiver based on one of the following conditions:

- If your headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- If you have limitations regarding available computer access or computer capability.

Waivers are only granted for a one-time use for a single information submittal, i.e., an initial waiver does not apply for the entire term of the permit for multiple forms. If you need to submit information on paper after your first waiver, you must apply for a new waiver. The EPA Regional Office may extend a waiver on a case-by-case basis.

If you wish to obtain a waiver from submitting a report electronically, you must submit a request to your EPA Regional Office. EPA Regional Office contact information can be found in Part 7.9. In that request you must document which exemption you meet, provide evidence supporting any claims, and a copy of your completed paper form. A waiver may only be considered granted once you receive written confirmation from EPA or its authorized representative.

## **7.2 Submitting Information to EPA**

- 7.2.1** Submitting Forms via NeT-MSGP. You must submit all required information via EPA's electronic NPDES eReporting tool (NeT), unless the permit states otherwise or unless you have been granted a waiver per Part 7.1. You can both prepare and submit required information in NeT-MSGP using specific forms, also found in the permit's appendices. To access NeT-MSGP, go to <https://cdxnodengn.epa.gov/net-msgp/action/login>.

Information you must submit to EPA via NeT-MSGP:

- Notice of Intent (NOI) (Part 1.3);
- Change Notice of Intent (NOI) (Part 1.3.4);
- No Exposure Certification (NEC) (Part 1.5);
- Notice of Termination (NOT) (Part 1.4); and
- Annual Report (AR) (Part 7.5).

*Note: Discharge Monitoring Reports (see Part 7.4) are required to be submitted using EPA's electronic DMR system.*

If the EPA Regional Office grants you a waiver from electronic reporting, you must utilize the required forms found in the Appendices.

- 7.2.2 Other Information Required to be Submitted.** Information required to be submitted to an EPA Regional Office at the address in Part 7.9:

- New Dischargers and New Sources to Water Quality-Impaired Waters (Part 1.1.6.2);
- Exceedance Report for Numeric Effluent Limitations (Part 7.6); and
- Additional Reporting (Part 7.7)

## **7.3 Additional SWPPP Information Required in Your NOI**

If you did not provide a SWPPP URL in your NOI per Part 6.4.1, your NOI must include the additional SWPPP information as follows:

- 7.3.1** Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 6.2.3.1, 6.2.3.3 and 6.2.3.5);
- 7.3.2** Pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and/or any authorized non-stormwater discharges listed in Part 1.2.2 (see Part 6.2.3.2);
- 7.3.3** Stormwater control measures you employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality - Based Effluent Limitations (see Part 6.2.4). If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose; and
- 7.3.4** Schedule for good housekeeping and maintenance (see Part 6.2.5.1) and schedule for all inspections required in Part 3 (see Part 6.2.5.2).
- 7.4** **Reporting Monitoring Data to EPA**
- 7.4.1** **Submitting Monitoring Data via NeT-DMR.** You must submit all monitoring data collected pursuant to Part 4.2 to EPA using EPA's electronic DMR system (for more information visit: <https://www.epa.gov/compliance/npdes-ereporting> (unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form) no later than 30 days after you have received your complete laboratory results for all monitoring discharge points for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic Discharge Monitoring Report (DMR) form based on the information you reported on your NOI form through the NeT-MSGP. Accordingly, you must certify the following changes to your monitoring frequency to EPA by submitting a form in NeT-MSGP, which will trigger changes to your monitoring requirements in the electronic DMR system:
- 7.4.1.1** All benchmark monitoring requirements have been fulfilled for the permit term (excluding the three universal benchmark monitoring parameters of pH, TSS, and COD);
- 7.4.1.2** All impaired waters monitoring requirements have been fulfilled for the permit term;
- 7.4.1.3** Benchmark monitoring requirements no longer apply because the EPA Regional Office has concurred with your assessment that run-on from a neighboring source is the cause of the exceedance;
- 7.4.1.4** Benchmark and/or impaired monitoring requirements no longer apply because your facility is inactive and unstaffed;
- 7.4.1.5** Benchmark and/or impaired monitoring requirements now apply because your facility has changed from inactive and unstaffed to active and staffed;
- 7.4.1.6** For Sector G2 only: Discharges from waste rock and overburden piles have exceeded benchmark thresholds;
- 7.4.1.7** A numeric effluent limitation guideline has been exceeded;
- 7.4.1.8** A numeric effluent limitation guideline exceedance is back in compliance.

**7.4.2 When You Can Discontinue Submission of Monitoring Data.** Once you have completely fulfilled applicable monitoring requirements, you are no longer required to report monitoring results using EPA's electronic DMR tool. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to use EPA's electronic DMR to report your results for the remaining monitoring requirements. Per Part 4.2.4.1 regarding discharges to impaired waters, if the monitored pollutant is not detected in your discharge for three consecutive years, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant only after submitting a Change NOI with the appropriate justification. If the EPA Regional Office grants you a waiver per Part 7.1, you must submit paper reporting forms by the same deadline.

**7.4.3 State or Tribal Required Monitoring Data.** See Part 9 for specific reporting requirements applicable to individual states or tribes.

**7.4.4 Submission Deadline for Benchmark Monitoring Data.** For benchmark monitoring, note that you are required to submit sampling results to EPA no later than 30 days after receiving your complete laboratory results for all monitored discharge points for each quarter that you are required to collect benchmark samples, per Part 4.2.1.2. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions, climates with irregular stormwater discharges, or areas subject to snow), you are required to submit all sampling results for each storm event to EPA within 30 days of receiving all laboratory results for the event. Or, for any of your monitored discharge points that did not have a discharge within the reporting period, using EPA electronic DMR tool, you report that no discharges occurred for that discharge point no later than 30 days after the end of the reporting period.

## **7.5 Annual Report**

You must submit an Annual Report to EPA electronically, per Part 7.2, by January 30<sup>th</sup> for each year of permit coverage containing information generated from the past calendar year. You must include the following information:

**7.5.1** A summary of your past year's routine facility inspection documentation required (Part 3.1.6). In addition, if you are an operator of an airport facility (Sector S) that is subject to the airport effluent limitations guidelines and are complying with the Part 8.S.8.1 effluent limitation through the use of non-urea-containing deicers, provide a statement certifying that you do not use pavement deicers containing urea. (Note: Operators of airport facilities that are complying with Part 8.S.8.1 by meeting the numeric effluent limitation for ammonia do not need to include this statement.)

**7.5.2** A summary of your past year's quarterly visual assessment documentation (see Part 3.2.3);

**7.5.3** A summary of your past year's corrective action and any required AIM documentation (see Part 5.3). If you have not completed corrective action or AIM responses at the time you submit your annual report, you must describe the status of any outstanding corrective action(s) or AIM responses. Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

Your Annual Report must also include a statement, signed and certified in accordance with Appendix B, Subsection 11.

#### **7.6 Numeric Effluent Limitations Exceedance Report**

If follow-up monitoring per Part 4.2.2.3 exceeds a numeric effluent limit, you must submit an Exceedance Report to EPA no later than 30 days after you have received your laboratory results. Send the Exceedance Report to the appropriate EPA Regional Office listed in Part 7.9, and report the monitoring data through NetDMR. Your report must include the following:

- 7.6.1** NPDES ID;
- 7.6.2** Facility name, physical address and location;
- 7.6.3** Name of receiving water;
- 7.6.4** Monitoring data from this and the preceding monitoring event(s);
- 7.6.5** An explanation of the situation, including what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation;
- 7.6.6** An appropriate contact name and phone number.

#### **7.7 Additional Standard Recordkeeping and Reporting Requirements**

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12. You must submit the following reports to the appropriate EPA Regional Office listed in Part 7.9, as applicable. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 6.2.2).

- 7.7.1** 24-hour reporting (see Appendix B, Subsection 12.F) – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 7.7.2** 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection 12.F) – A written submission must also be provided within five days of the time you become aware of the circumstances;
- 7.7.3** Reportable quantity spills (see Part 2.1.2.4) – You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;
- 7.7.4** Planned changes (see Appendix B, Subsection 12.A) – You must give notice to EPA promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- 7.7.5** Anticipated noncompliance (see Appendix B, Subsection 12.B) – You must give advance notice to EPA of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;

- 7.7.6** Compliance schedules (see Appendix B, Subsection 12.F) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- 7.7.7** Other noncompliance (see Appendix B, Subsection 12.G) – You must report all instances of noncompliance not reported in your annual report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- 7.7.8** Other information (see Appendix B, Subsection 12.H) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

## **7.8 Record Retention Requirements**

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 6.5 (including documentation related to corrective actions or AIM responses taken pursuant to Part 5), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

## **7.9 Addresses for Reports**

Permit Part	EPA Region	Areas Covered	Address
7.9.1	1	Connecticut Massachusetts New Hampshire Rhode Island Vermont	U.S. EPA Region 1 Water Division Stormwater and Construction Permits Section 5 Post Office Square (06-1) Boston, MA 02109-3912
7.9.2	2	New Jersey New York	U.S. EPA Region 2 NPDES Stormwater Program 290 Broadway, 24th Floor New York, NY 10007-1866
		Puerto Rico Virgin Islands	U.S. EPA Region 2 Caribbean Environmental Protection Division NPDES Stormwater Program City View Plaza II – Suite 7000 48 Rd. 165 Km 1.2 Guaynabo, PR 00968-8069
7.9.3	3	Delaware District of Columbia Maryland Pennsylvania Virginia West Virginia	U.S. EPA Region 3 Office of NPDES Permits and Enforcement NPDES Permits Branch, MC 3WP41 1650 Arch Street Philadelphia, PA 19103
7.9.4	4	Alabama Florida Georgia Kentucky Mississippi	U.S. EPA Region 4 Water Protection Division NPDES Stormwater Program Atlanta Federal Center 61 Forsyth Street SW



Permit Part	EPA Region	Areas Covered	Address
		North Carolina South Carolina Tennessee	Atlanta, GA 30303-3104
7.9.5	5	Illinois Indiana Michigan Minnesota Ohio Wisconsin	U.S. EPA Region 5 NPDES Program Branch 77 W. Jackson Blvd. MC WN16J Chicago, IL 60604-3507
7.9.6	6	Arkansas Louisiana Oklahoma Texas New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)	U.S. EPA Region 6 NPDES Stormwater Program (WQ-PP) 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733
7.9.7	7	Iowa Kansas Missouri Nebraska	U.S. EPA Region 7 NPDES Stormwater Program 11201 Renner Blvd Lenexa, KS 66219
7.9.8	8	Colorado Montana North Dakota South Dakota Wyoming Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands) The Ute Mountain Reservation in New Mexico The Pine Ridge Reservation in Nebraska	EPA Region 8 Storm Water Program MC: 8P-W-WW 1595 Wynkoop Street Denver, CO 80202-1129
7.9.9	9	Arizona California Hawaii Nevada Guam American Samoa The Commonwealth of the Northern Mariana Islands The Goshute Reservation in Utah	U.S. EPA Region 9 Water Division NPDES Stormwater Program (WTR-2-3) 75 Hawthorne Street San Francisco, CA 94105-3901

Permit Part	EPA Region	Areas Covered	Address
		and Nevada The Navajo Reservation in Utah New Mexico, and Arizona The Duck Valley Reservation in Idaho Fort McDermitt Reservation in Oregon	
7.9.10	10	Alaska Idaho Oregon (except see Region 9 for Fort McDermitt Reservation) Washington	U.S. EPA Region 10 Water Division NPDES Stormwater Program (19-C04) 1200 6th Avenue, Suite 155 Seattle, WA 98101-3140
7.9.11	State and Tribal Addresses		See Part 9 (states and tribes) for the addresses of applicable states or tribes that require submission of information to their agencies.

## Part 8 - Sector Requirements for Industrial Activity

### Universal Benchmark Monitoring Applicable to All Sectors (see also Part 4.2.1)

You must comply with the universal benchmark monitoring requirements below for pH, total suspended solids (TSS), and chemical oxygen demand (COD). These requirements apply to all sectors/subsectors and are in addition to any sector-specific requirements contained in this Part and requirements applicable to all facilities in Parts 1 through 7 and the appendices of the permit.

Table 8.1.1 identifies the benchmark monitoring thresholds for pH, TSS, and COD that apply to all industrial sectors/subsectors. These benchmark parameters serve as performance indicators of other stormwater pollutants.

Table 8.1.1 – Universal Benchmark Monitoring Applicable to All Sectors		
Subsector	Parameter	Concentration
All sectors/subsectors	pH	6.0 – 9.0 s.u.
	Total Suspended Solids (TSS)	100 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

### Sector-Specific Requirements

#### Subpart A – Sector A – Timber Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

##### 8.A.1 Covered Stormwater Discharges.

The requirements in Subpart A apply to stormwater discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

##### 8.A.2 Limitations on Coverage.

**8.A.2.1 Prohibition of Discharges.** (See also Part 1.1.3) Not covered by this permit: stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit.

**8.A.2.2 Authorized Non-Stormwater Discharges.** (See also Part 1.2.2) Also authorized by this permit, provided the non-stormwater component of the discharge is in compliance with the requirements in Part 2.1.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

**8.A.3 Additional Technology-Based Effluent Limits.**

**8.A.3.1 Good Housekeeping.** (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to minimize the discharge of wood debris, leachate generated from decaying wood materials, and the generation of dust.

**8.A.4 Additional SWPPP Requirements.**

**8.A.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

**8.A.4.2 Inventory of Exposed Materials.** (See also Part 6.2.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with stormwater runoff.

**8.A.4.3 Description of Stormwater Management Controls.** (See also Part 6.2.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

**8.A.5 Additional Inspection Requirements. (See also Part 3.1)**

If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges.

**8.A.6 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Table 8.A-1</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector A1.</b> General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Zinc (freshwater) <sup>1</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>2</sup>	90 µg/L
<b>Subsector A2.</b> Wood Preserving (SIC 2491)	Total Recoverable Arsenic (freshwater)	150 µg/L
	Total Recoverable Arsenic (saltwater) <sup>1</sup>	69 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
<b>Subsector A3.</b> Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
<b>Subsector A4.</b> Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

<sup>1</sup> The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Copper (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	3.8	40
25-49.99 mg/L	5.6	50
50-74.99 mg/L	9.0	80
75-99.99 mg/L	12.3	110
100-124.99 mg/L	15.6	130
125-149.99 mg/L	18.9	160
150-174.99 mg/L	22.1	180
175-199.99 mg/L	25.3	200
200-224.99 mg/L	28.5	230
225-249.99 mg/L	31.6	250
250+ mg/L	33.2	260

<sup>2</sup> Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

Table 8.A-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)		

#### 8.A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2)

Table 8.A-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.A-2 <sup>1</sup>		
Industrial Activity	Parameter	Effluent Limitation
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	pH	6.0 - 9.0 s.u
	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round

<sup>1</sup> Monitor annually.

**8.A.7.1 Credit for Pollutants in Intake Water.** For discharges that are comprised solely of water drawn from the same body of water into which the discharges flow and that exceed an applicable effluent limitation, you may be eligible for a credit to the extent necessary to meet the limitation. To obtain this credit, you must show that your discharge would meet the limitation in the absence of the pollutant(s) in the intake water by demonstrating that the control measures you use to meet the limitation would, if properly installed and operated, meet the limitations for the pollutant (i.e., the pollutant level in your discharge is in exceedance of the limitation due to the pollutant concentration in the source or intake water). You must consult the appropriate EPA Regional Office for guidance in seeking a pollutant credit under this Part. EPA will notify you whether you are eligible for the credit, and, if so, provide the scope of such credit.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart B – Sector B – Paper and Allied Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.B.1 Covered Stormwater Discharges.

The requirements in Subpart B apply to stormwater discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

#### 8.B.2 Sector-Specific Benchmarks. (See also Part 4)

Table 8.B-1 identifies benchmarks that apply to the specific subsectors of Sector B. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.B-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart C – Sector C – Chemical and Allied Products Manufacturing, and Refining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.C.1 Covered Stormwater Discharges.

The requirements in Subpart C apply to stormwater discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

#### 8.C.2 Limitations on Coverage.

**8.C.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) The following are not covered by this permit: non-stormwater discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; wash water from material handling and processing areas; and wash water from drum, tank or container rinsing and cleaning. (EPA includes this prohibited non-stormwater discharge here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.C.3 Sector-Specific Benchmarks. (See also Part 4)

Table 8.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.C-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Total Phosphorus	2.0 mg/L



<b>Table 8.C-1.</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector C2.</b> Industrial Inorganic Chemicals (SIC 2812-2819)	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Iron	1.0 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
<b>Subsector C3.</b> Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
<b>Subsector C4.</b> Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Lead (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	14	40
25-49.99 mg/L	23	50
50-74.99 mg/L	45	80
75-99.99 mg/L	69	110
100-124.99 mg/L	95	130
125-149.99 mg/L	122	160
150-174.99 mg/L	151	180
175-199.99 mg/L	182	200
200-224.99 mg/L	216	230
225-249.99 mg/L	246	250
250+ mg/L	262	260

#### **8.C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)**

Table 8.C-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.C-2 <sup>1</sup>		
Industrial Activity	Parameter	Effluent
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Total Phosphorus (as P)	105.0 mg/L, daily
		35 mg/L, 30-day avg.
	Fluoride	75.0 mg/L, daily maximum
		25.0 mg/L, 30-day avg.

<sup>1</sup> Monitor annually.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart D – Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.D.1 Covered Stormwater Discharges.

The requirements in Subpart D apply to stormwater discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit.

#### 8.D.2 Limitations on Coverage.

The following stormwater discharges associated with industrial activity are not authorized by this permit (see also Part 1.1.3):

##### 8.D.2.1 *Stormwater discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining).*

The following stormwater discharges associated with industrial activity are not authorized under Sector D:

##### 8.D.2.2 *Stormwater discharges from oil recycling facilities, which are covered under Sector N* (see Part 8.N); and

##### 8.D.2.3 *Stormwater discharges associated with fats and oils rendering, which are covered under Sector U* (see Part 8.U).

#### 8.D.3 Sector-Specific Benchmarks. (See also Part 4)

Table 8.D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.D-1.		
Subsector	Parameter	Benchmark Monitoring Concentration
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

#### 8.D.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)

Table 8.D-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.D-2 <sup>1</sup>		
Industrial Activity	Parameter	Effluent Limitation
Discharges from asphalt emulsion facilities.	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
	pH	6.0 - 9.0 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
		10 mg/L, 30-day avg.

<sup>1</sup>Monitor annually.

**Part 8 – Sector-Specific Requirements for Industrial Activity****Subpart E – Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

**8.E.1 Covered Stormwater Discharges.**

The requirements in Subpart E apply to stormwater discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit.

**8.E.2 Additional Technology-Based Effluent Limits.**

**8.E.2.1 Good Housekeeping Measures.** (See also Part 2.1.2.2) As part of your good housekeeping program, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) to minimize the potential discharge of these materials in stormwater. Indicate in your SWPPP the frequency of sweeping, vacuuming or other equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash or settled dust are being handled or processed and may be discharged in stormwater. You must also prevent the exposure of fine granular solids (e.g., cement, fly ash, kiln dust) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, buildings or under other covering.

**8.E.3 Additional SWPPP Requirements.**

**8.E.3.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

**8.E.3.2 Discharge Testing.** (See also Part 6.2.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge testing a description of measures that ensure that process wastewaters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES wastewater permit requirements or are recycled.

**8.E.4 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Table 8.E-1.</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector E1.</b> Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Recoverable Aluminum	750 µg/L
<b>Subsector E2.</b> Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L

#### 8.E.5 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)

Table 8.E-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

<b>Table 8.E-2<sup>1</sup></b>		
<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent Limitation</b>
Discharges from material storage piles at cement manufacturing facilities (SIC 3241)	Total Suspended Solids (TSS)	50 mg/L, daily maximum <sup>2</sup>
	pH	6.0 - 9.0 s.u. <sup>2</sup>

<sup>1</sup>Monitor annually.

<sup>2</sup>Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from materials storage piles which is associated with a 10-year, 24-hour rainfall event shall not be subject to the pH and TSS limitations (40 CFR 411.32(b)).

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart F – Sector F – Primary Metals.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.F.1 Covered Stormwater Discharges.

The requirements in Subpart F apply to stormwater discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

#### 8.F.2 Additional Technology-Based Effluent Limits.

**8.F.2.1 Good Housekeeping Measures.** (See also Part 2.1.2.2) As part of your good housekeeping program, you must implement a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.

Stabilize unpaved areas using vegetation or paving where there is vehicle traffic or where material loading and unloading, storage, handling and processing occurs, unless feasible.

For paved areas of the facility where particulate matter, dust or debris may accumulate, to minimize the discharge of pollutants in stormwater, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping or vacuuming at regular intervals; and washing down the area and collecting and/or treating and properly disposing of the washdown water. For unstabilized areas or for stabilized areas where sweeping, vacuuming, or washing down is not possible, to minimize the discharge of particulate matter, dust, or debris or other pollutants in stormwater, implement stormwater management devices such as the following, where determined to be feasible (list not exclusive): sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, and other equivalent measures that effectively trap or remove sediment.

#### 8.F.3 Additional SWPPP Requirements.

**8.F.3.1 Drainage Area Site Map.** (See also Part 6.2.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants in stormwater.

**8.F.3.2 Inventory of Exposed Material.** (See also Part 6.2.3) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or

runoff areas where there is the potential for deposition of particulate matter from process air emissions or losses during material-handling activities.

#### 8.F.4 Additional Inspection Requirements. (See also Part 3.1)

As part of conducting your routine facility inspections at least quarterly (Part 3.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, cyclones), for any signs of degradation (e.g., leaks, corrosion, improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or stormwater runoff.

#### 8.F.5 Sector-Specific Benchmarks. (See also Part 4)

Table 8.F-1 identifies benchmarks that apply to the specific subsectors of Sector F. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.F-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
<b>Subsector F1.</b> Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
<b>Subsector F2.</b> Iron and Steel Foundries (SIC 3321-3325)	Total Recoverable Aluminum	750 µg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
<b>Subsector F3.</b> Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L



Table 8.F-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
<b>Subsector F4.</b> Nonferrous Foundries (SIC 3363-3369)	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Zinc (saltwater) <sup>1</sup>	90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper	Zinc
0-24.99 mg/L	3.8	40
25-49.99 mg/L	5.6	50
50-74.99 mg/L	9.0	80
75-99.99 mg/L	12.3	110
100-124.99 mg/L	15.6	130
125-149.99 mg/L	18.9	160
150-174.99 mg/L	22.1	180
175-199.99 mg/L	25.3	200
200-224.99 mg/L	28.5	230
225-249.99 mg/L	31.6	250
250+ mg/L	33.2	260

## **Part 8 – Sector-Specific Requirements for Industrial Activity**

### **Subpart G – Sector G – Metal Mining.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

#### **8.G.1 Covered Stormwater Discharges.**

The requirements in Subpart G apply to stormwater discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table D-1 of Appendix D. Coverage is required for metal mining facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

##### **8.G.1.1 Covered Discharges from Inactive Facilities.** All stormwater discharges.

##### **8.G.1.2 Covered Discharges from Active and Temporarily Inactive Facilities.** Only the stormwater discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of stormwater and not combined with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden or spent ore if composed entirely of stormwater and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden or spent ore except if mine drainage is used for dust control;
- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of stormwater and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;
- Office or administrative building and housing if mixed with stormwater from industrial area;
- Chemical storage area;

- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas (if necessary);
- Power plant;
- Truck wash areas if no excessive contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990;
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

**8.G.1.3 Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities.** All stormwater discharges.

**8.G.1.4 Covered Discharges from Facilities Undergoing Reclamation.** All stormwater discharges.

**8.G.2 Limitations on Coverage.**

**8.G.2.1 Prohibition of Stormwater Discharges.** Stormwater discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

*Note:* Stormwater runoff from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part 440. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in Part 1.1 of the permit. Operators bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another NPDES permit. EPA recommends that operators contact the relevant NPDES permit issuance authority for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

**8.G.2.2 Prohibition of Non-Stormwater Discharges.** Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.3). (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2)

**8.G.3 Definitions.**

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

**8.G.3.1 Mining operations.** For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities; and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

**8.G.3.2 Earth-disturbing activities conducted prior to active mining activities.** Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

**a.** activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

**b.** construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be "construction" and have additional effluent limits in Part 8.G.4.2.

**8.G.3.3 Active mining activities.** Activities related to the extraction, removal or recovery, and beneficiation of metal ore from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the "active mining area." Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.G.4 have been met, and a well-delineated "active mining area" has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are "active mining activities."

**8.G.3.4 Active mining area.** A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

*Note:* Earth-disturbing activities described in the definition in Part 8.G.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered "earth-disturbing conducted prior to active mining activities", and must comply with the requirements in Part 8.G.4.

**8.G.3.5 Inactive metal mining facility.** A site or portion of a site where metal mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive metal mining

facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

**8.G.3.6 *Temporarily inactive metal mining facility.*** A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

**8.G.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.G.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the technology-based effluent limits in Part 8.G.5 and Part 2.1.2, the inspection requirements in Part 8.G.7 and Part 3, and the monitoring requirements in Part 8.G.8 and Part 4.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.G.4.1.9 or 8.G.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.G.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.G.5, the inspection requirements in Parts 3 and 8.G.7, and the monitoring requirements in Parts 4 and 8.G.8.

**8.G.4.1 *Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*** The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.G.5 of the MSGP.

**8.G.4.1.1 *Erosion and sediment control installation requirements.***

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

**8.G.4.1.2 *Erosion and sediment control maintenance requirements. You must:***

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is

infeasible, you must complete the installation or repair as soon as practicable.

**8.G.4.1.3 Perimeter controls.** You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

**8.G.4.1.4 Sediment track-out.** For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: EPA recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.G.4.1.4.

**8.G.4.1.5 Soil or sediment stockpiles.** You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

**8.G.4.1.6 Sediment basins.** If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

**8.G.4.1.7 Minimize dust.** You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

**8.G.4.1.8 Restrictions on use of treatment chemicals.** If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;

- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

**8.G.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.G.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.G.3.2(b)).**

You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance) (although you are encouraged to do so within the active mining area, where appropriate):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is

achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

**8.G.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.** The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.G.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.G.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)).

**8.G.4.2.1 Area of disturbance.** You must minimize the amount of soil exposed during construction activities.

**8.G.4.2.2 Erosion and sediment control design requirements.** You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
  - The expected amount, frequency, intensity and duration of precipitation;
  - The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
  - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

**8.G.4.2.3 Natural Buffers.** For any stormwater discharges from construction activities within 50 feet of a water of the U.S., you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the U.S.; or
2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in



combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or

3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the U.S.;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the U.S.

See [https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_g\\_-\\_buffer\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_g_-_buffer_reqs_508.pdf) for guidance on complying with these alternatives.

**8.G.4.2.4 Soil or sediment stockpiles.** In addition to the requirements in Part 8.G.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.G.4.2.3.

**8.G.4.2.5 Sediment basins.** In addition to the requirements in Part 8.G.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.G.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

**8.G.4.2.6 Native topsoil preservation.** You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

**8.G.4.2.7 Steep slopes.** You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

**8.G.4.2.8 Soil compaction.** Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

**8.G.4.2.9 Dewatering Practices.** You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control. (An uncontaminated discharge is a discharge that meets applicable water quality standards.)

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
  - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - Implement velocity dissipation devices at all points where dewatering water is discharged;
  - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
  - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.G.4.1.8.

**8.G.4.2.10 Pollution prevention requirements.**

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.2.2):
  - Wastewater from washout of concrete;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
  - Soaps, solvents, or detergents used in vehicle or equipment washing;
  - Toxic or hazardous substances from a spill or other release.

- *Design and location requirements:* Minimize the discharge of pollutants from pollutant sources by:
  - Minimizing exposure;
  - Using secondary containment, spill kits, or other equivalent measures;
  - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
  - Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters:* Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes:* Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

**8.G.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.G.3.2(b)** (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.G.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily ("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - Install or apply all non-vegetative measures;
  - Cover all areas of exposed soil.

*Note:* For the purposes of this permit, EPA will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

*Exceptions:*

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that so that within 3 years the 70% cover requirement is met.

**8.G.4.3 *Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.***

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by your state, tribe, or EPA as a Tier 2 or Tier 2.5 for antidegradation purposes:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

**8.G.4.4 *Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.***

The following requirements supersede the inspection requirements in Part 3 and 8.G.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b).

**8.G.4.4.1 Inspection frequency**

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

**8.G.4.4.2 Reductions in inspection frequency.**

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.G.4.1.9 or 8.G.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

**8.G.4.4.3 Areas to be inspected.** You must at a minimum inspect the all of the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;

- Points of discharge.

**8.G.4.4.4 What to check for during inspections.** At a minimum you must check:

- Whether all stormwater controls are installed, operational and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring, check:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

**8.G.4.4.5 Inspection report.** Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

**8.G.5 Technology-Based Effluent Limits for Active Mining Activities.**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.G.3.2(a) or 8.G.3.2(b).

**8.G.5.1 Employee training.** (See also Part 2.1.2.8) Conduct employee training at least annually at active and temporarily inactive facilities.

**8.G.5.2 Stormwater controls.** Apart from the control measures you implement to meet your Part 2 technology-based effluent limits, where necessary to minimize pollutant discharges in stormwater, implement the following control measures at your site. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

*Stormwater diversions:* Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*Capping:* When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

*Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil - water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged, where feasible. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

**8.G.5.3 Discharge testing.** (See also Part 6.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), you may keep a certification with your SWPPP consistent with Part 8.G.6.6.

**8.G.6 Additional SWPPP Requirements for Mining Operations.**

Note: The requirements in Part 8.G.6 are not applicable to inactive metal mining facilities.

**8.G.6.1 Nature of industrial activities.** (See also Part 6.2.2) Briefly document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

**8.G.6.2 Site map.** (See also Part 6.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

**8.G.6.3 Potential pollutant sources.** (See also Part 6.2.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPPP with this information.

**8.G.6.4 Documentation of control measures.** Document all control measures that you implement consistent with Part 8.G.5.2. If control measures are implemented or

planned but are not listed in Part 8.G.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

**8.G.6.5 Employee training.** All employee training(s) must be documented in the SWPPP.

**8.G.6.6 Certification of permit coverage for commingled non-stormwater discharges.** If you are able, consistent with Part 8.G.5.3 above, to certify that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**8.G.7 Additional Inspection Requirements. (See also Part 3.1)**

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.G.3.2(a) and 8.G.3.2(b), which are subject to Part 8.G.4.4, inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as Tier 2 or 2.5 or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 8.G.8.4 for inspection requirements for inactive and unstaffed sites.

**8.G.8 Monitoring and Reporting Requirements. (See also Part 4)**

Note: There are no Part 8.G.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

**8.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities.**

Table 8.G-1 identifies benchmarks that apply to active copper ore mining and dressing facilities. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.G-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

**8.G.8.2 Benchmark Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.** For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 8.G-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table 8.G-3 in accordance with the requirements in Part 8.G.8.3. The Director



may also notify you that you must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.

